

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**(1) SEAN ARVELO,**

**Plaintiff,**

**v.**

**(1) ELLIOTT ELECTRIC SUPPLY,  
INC.,**

**Defendant.**

**Case No. CIV-20-1008-PRW**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441 and 1446, Defendant Elliott Electric Supply, Inc. (“Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma where it was filed as Case No. CJ-2020-4308, styled *Sean Arvelo v. Elliot Electric Supply, Inc.*, (the “State Court Lawsuit”)<sup>1</sup>, to the United States District Court for the Western District of Oklahoma. Removal is proper for the following reasons:

1. Elliot Electric Supply, Inc. is the defendant in a civil action brought against it in the District Court of Oklahoma County, State of Oklahoma, and titled *Sean Arvelo v. Elliott Electric Supply, Inc.*, Case No. CJ-2020-4308.

2. As alleged in paragraph 1 of Plaintiff’s Petition, at the time of filing this action Plaintiff was an adult resident of the State of Oklahoma.

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<sup>1</sup> The Plaintiff misspelled the name of Defendant. The Plaintiff spelled Defendant’s name as “Elliot” but the correct spelling is “Elliott.”

3. At the time of the filing this action and at the present time, Defendant was and is a foreign for-profit business corporation incorporated under the laws of the State of Texas with its principal place of business in Nacogdoches, Texas.

4. In Plaintiff's Petition, he has asserted federal claims for disability discrimination, including a failure to accommodate his disability, and retaliation in violation of Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq* (ADA). Plaintiff further claims that Defendant's conduct violated the Oklahoma Anti-Discrimination Act ("OADA"), an Oklahoma law prohibiting an employer from terminating an employee for being a medical marijuana card holder, and Oklahoma law prohibiting an employer from discriminating against an employee for suffering and reporting an on-the-job injury.

5. This civil action is removable to the United States District Court for the Western District of Oklahoma because Plaintiff's claims arise under the Constitution, laws or treaties of the United States, specifically, the ADA, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a)<sup>2</sup>. The Court has supplemental jurisdiction over Plaintiff's state law claims. 28 U.S.C. § 1367.

6. The aforementioned action was commenced by service of summons upon Defendant on September 16, 2020. This Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

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<sup>2</sup> The case is also removable based on diversity of citizenship. 28 U.S.C. § 1332. The Plaintiff is a resident of Oklahoma and Defendant is a foreign for-profit business corporation with its principle place of business in Nacogdoches, Texas and is a citizen of the State of Texas and the amount in controversy exceeds \$75,000.

A copy of all process, pleadings, and other documents filed in the State Court Lawsuit are attached hereto as follows:

**Exhibit 1 - Petition, filed September 11, 2020**

**Exhibit 2 - Entry of Appearance - Leah M. Roper for Plaintiff**

**Exhibit 3 - Entry of Appearance - D. Colby Addison for Plaintiff**

**Exhibit 4 - Docket sheet from the District Court of Oklahoma County, State of Oklahoma**

Defendant will promptly provide Plaintiff written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d). Defendant will also file a copy of the Notice of Removal with the District Court Clerk of Oklahoma County, State of Oklahoma.

Respectfully submitted,

s/Allen L. Hutson

Allen L. Hutson, OBA #30118

Melissa R. McDuffey, OBA #32463

-- Of the Firm --

CROWE & DUNLEVY  
A Professional Corporation  
Braniff Building  
324 N. Robinson Ave., Suite 100  
Oklahoma City, OK 73102-8273  
(405) 235-7700  
(405) 239-6651 (Facsimile)  
allen.hutson@crowedunlevy.com  
melissa.mcduffey@crowedunlevy.com

ATTORNEYS FOR DEFENDANT ELLIOT  
ELECTRIC SUPPLY, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of October, 2020, the above and foregoing was filed in the Western District Court of Oklahoma, that a true and correct copy of said Notice of Removal was served upon the above-named plaintiff, by emailing and mailing said copies to plaintiff's attorney of record, and further that a copy of said Notice of Removal was filed with the Court Clerk of Oklahoma County, Oklahoma.

D. Colby Addison  
Leah M. Roper  
CENTER FOR EMPLOYMENT LAW  
1133 N. Portland Ave.  
Oklahoma City, OK 73107  
colby@centerforemploymentlaw.com  
leah@centerforemploymentlaw.com

**ATTORNEY FOR PLAINTIFF**

s/ Allen L. Hutson

Allen L. Hutson

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY SEP 11 2020  
STATE OF OKLAHOMA

RICK WARREN  
COURT CLERK  
108

SEAN ARVELO,

Plaintiff,

v.

Case No. CJ-2020-

ELLIOT ELECTRIC SUPPLY,  
INC.,

Defendant.

CJ-2020-4308

PETITION

COMES NOW THE PLAINTIFF, and for his cause of action herein  
alleges and states as follows:

1. Plaintiff is Sean Arvelo, an adult resident of the State of Oklahoma.
2. Defendant is Elliot Electric Supply, Inc., a foreign for-profit business corporation that operates in the State of Oklahoma.

CLAIMS AND VENUE

3. Plaintiff's causes of action are for Defendant's violations of the Americans with Disabilities Act, the Oklahoma Anti-Discrimination Act, Oklahoma's law (at the time of the termination) preventing termination of an employee for being a medical marijuana card holder, and Oklahoma's law preventing discrimination and retaliation against individuals who suffer and report an on-the-job injury.
4. All of the acts described herein occurred in the State of Oklahoma, and Defendant can be served in Oklahoma County.

EXHIBIT

1

**STATEMENT OF FACTS**

5. Defendant employed fifteen (15) or more employees during each of at least twenty (20) weeks of the current or proceeding calendar year and is a covered employer under the ADA. There is no minimum number of employees required to be covered by the OADA.
6. Plaintiff was an employee of Defendant from approximately January 13, 2019, until his termination on August 15, 2019. At the time of Plaintiff's termination, Plaintiff was a Warehouse Associate.
7. On or about March 12, 2019, Plaintiff disclosed to his immediate supervisor Lena Shoup (Warehouse Manager) that he was prescribed medical marijuana. Additionally, Plaintiff discussed his prescribed medication with David Tanner (Store Manager). At the time, Plaintiff provided the card to Shoup and she made a copy of the card and returned the card to Plaintiff later that day.
8. On or about April 13, 2019, Plaintiff received a pay raise based on his performance.
9. On or about July 30, 2019, Plaintiff suffered an on-the-job injury and reported it to Defendant. Plaintiff's supervisor (Cody Bond) drove him to the hospital for medical treatment.
10. On or about July 31, 2019, Plaintiff missed work due to symptoms related to the injury.
11. On or about August 1, 2019, Shoup and Tanner discussed his injury with him and concerns about any medical restrictions, which were, to the best of Plaintiff's recollection, twenty-five to thirty-five pounds lifting

restrictions. Respondent required Plaintiff to continue lifting beyond his lifting restrictions.

12. On or about August 2, 2019, Plaintiff worked his shift and was called to return to work because of the hours he missed due to his on-the-job injury. Out of concern with his workers compensation rights, Plaintiff contacted Corporate HR (Missy Elliot in Nacogdoches, TX) asking about whether the injury was reported and to ensure his medical treatment was going to be taken care of. Later that day, Defendant sent Plaintiff to Concentra for a drug test and medical evaluation. Plaintiff disclosed to Concentra that he was prescribed medical marijuana.
13. On or about August 5, 2019, Defendant disciplined Plaintiff for the hours he missed related to the on-the-job injury.
14. On or about August 6th, 7th, 9th, 12th, and 14th of 2019, Concentra required Plaintiff to attend physical therapy related to the on-the-job injury.
15. On or about August 8, 2019, I was notified by Concentra that my drug test showed marijuana use.
16. On or about August 15, 2019, Lena Shoup notified Plaintiff that he was being terminated, per direction of Corporate HR, due to testing positive for his prescribed usage of marijuana. Shoup was aware of Plaintiff's medical marijuana card.
17. Plaintiff has exhausted his administrative remedies by timely filing a charge of discrimination on or around June 3, 2020. The EEOC issued Plaintiff's right to sue letter on August 14, 2020, and Plaintiff received

such letter thereafter. This lawsuit is timely filed within ninety days of Plaintiff's receipt of his right to sue letter.

18. Under the statutes mentioned, Plaintiff is entitled to compensation for all lost wages and benefits arising from the termination.
19. Defendant terminated Plaintiff because of his on-the-job injury, because of Plaintiff's disability or that Defendant regarded Plaintiff as disabled, because Plaintiff requested a reasonable accommodation related to his injury, and/or because of Plaintiff's status as a medical marijuana card holder,
20. Because the actions of Defendant were willful, malicious, or in reckless disregard for Plaintiff's rights, Plaintiff is entitled to an award of punitive damages.

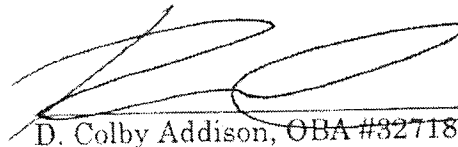
**PRAYER**

The actual damages under Plaintiff's claims exceeds Ten Thousand Dollars (\$10,000.00).

**WHEREFORE**, Plaintiff prays that this Court enter judgment in favor of the Plaintiff and against the Defendant and assess an award of actual, compensatory, liquidated, and punitive damages together with pre- and post-judgment interest, costs, attorneys' fees, and such other relief as this Court may deem equitable and appropriate.

**RESPECTFULLY SUBMITTED THIS 11th DAY OF SEPTEMBER 2020**





D. Colby Addison, OBA #32718

Leah M. Roper, OBA # 32107

CENTER FOR EMPLOYMENT LAW

1133 N. Portland Ave

Oklahoma City, OK 73107

Office: 405.252.1180

[colby@centerforemploymentlaw.com](mailto:colby@centerforemploymentlaw.com)

[leah@centerforemploymentlaw.com](mailto:leah@centerforemploymentlaw.com)

ATTORNEYS FOR PLAINTIFF

**ATTORNEY LIEN CLAIMED**

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

SEAN MICHAEL ARVELO,

Plaintiff,

v.

ELLIOT ELECTRIC SUPPLY,  
INC.,

Defendant.

Case No. CJ- 108

SEP 11 2020  
RICK WARREN  
COURT CLERK

CJ-2020-4308

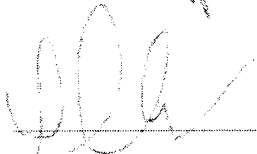
ENTRY OF APPEARANCE

To the Clerk of this Court and all parties of record:

I hereby enter my appearance as counsel in this case for Plaintiff.

I certify that I am admitted to practice in this Court.

Respectfully submitted this 14<sup>th</sup> day of Sept., 2020.



Leah M. Roper, OBA #32107  
THE CENTER FOR EMPLOYMENT LAW  
1133 N. Portland Ave.  
Oklahoma City, OK 73107  
Telephone: 405.252.1180  
[leah-center-for-employment-law.com](http://leah-center-for-employment-law.com)  
ATTORNEY FOR PLAINTIFF

EXHIBIT

2

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

SEAN MICHAEL ARVELO,

Plaintiff,

v.

ELLIOT ELECTRIC SUPPLY,  
INC.,

Defendant.

Case No. CJ-

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

SEP 11 2020

RICK WARREN  
COURT CLERK

108

CJ-2020-4308

ENTRY OF APPEARANCE

To the Clerk of this Court and all parties of record:

I hereby enter my appearance as counsel in this case for Plaintiff.

I certify that I am admitted to practice in this Court.

Respectfully submitted this 11th day of September, 2020.

*D. Colby Addison*

D. Colby Addison, OBA #32718  
THE CENTER FOR EMPLOYMENT LAW  
1133 N. Portland Ave.  
Oklahoma City, OK 73107  
Telephone: 405.252.1180  
[colby@centerforemploymentlaw.com](mailto:colby@centerforemploymentlaw.com)  
ATTORNEY FOR PLAINTIFF

EXHIBIT

3



OKLAHOMA  
State Courts Network

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**IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY, OKLAHOMA**

Sean Arvelo,  
Plaintiff,

v.

Elliot Electric Supply, Inc,  
Defendant.

**No. CJ-2020-4308**

**(Civil relief more than \$10,000: WRONGFUL  
TERMINATION)**

Filed: 09/11/2020

Judge: Timmons, Aletia Haynes

**PARTIES**

Arvelo, Sean, Plaintiff  
Elliot Electric Supply, Inc, Defendant

**ATTORNEYS**

**Attorney**

ADDISON, D COLBY (Bar #32718)  
THE CENTER FOR EMPLOYMENT LAW  
1133 N. PORTLAND AVE.  
OKLAHOMA CITY, OK 73107

**Represented Parties**

Arvelo, Sean

**EVENTS**

None

**ISSUES**

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

**EXHIBIT**

**4**

**Issue # 1.** Issue: WRONGFUL TERMINATION (TERMINATE)  
 Filed By: Arvelo, Sean  
 Filed Date: 09/11/2020

**Party Name**                      **Disposition Information**  
 Pending.

## DOCKET

Date	Code	Description	Count	Party	Amount
09-11-2020	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.	1		
09-11-2020	TERMINATE	WRONGFUL TERMINATION			
09-11-2020	DMFE	DISPUTE MEDIATION FEE			\$ 7.00
09-11-2020	PFE1	PETITION			\$ 163.00
09-11-2020	PFE7	LAW LIBRARY FEE			\$ 6.00
09-11-2020	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
09-11-2020	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 1.55
09-11-2020	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
09-11-2020	SSFCHSCPC	SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 10.00
09-11-2020	CCADMINCSF	COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.00
09-11-2020	CCADMIN0155	COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION			\$ 0.16
09-11-2020	SJFIS	STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES			\$ 0.45
09-11-2020	DCADMIN155	DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS			\$ 0.23
09-11-2020	DCADMIN05	DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS			\$ 0.75

Date	Code	Description	Count	Party	Amount
09-11-2020	DCADMINCSF	DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.50
09-11-2020	CCRMPF	COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE			\$ 10.00
09-11-2020	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
09-11-2020	LTF	LENGTHY TRIAL FUND			\$ 10.00
09-11-2020	SMF	SUMMONS FEE (CLERKS FEE)			\$ 10.00
09-11-2020	P	PETITION Document Available (#1047696354)  TIFF  PDF			
09-11-2020	EAA	ENTRY OF APPEARANCE ATTORNEY FOR PLAINTIFF Document Available (#1047704167)  TIFF  PDF			
09-11-2020	EAA	ENTRY OF APPEARANCE ATTORNEY FOR PLAINTIFF Document Available (#1047704163)  TIFF  PDF			
09-11-2020	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE TIMMONS, ALETIA HAYNES TO THIS CASE.			
09-11-2020	ADJUST	ADJUSTING ENTRY: MONIES DUE TO AC09-CARD ALLOCATION			\$ 6.31

Date	Code	Description	Count	Party	Amount
09-11-2020	ACCOUNT	ADJUSTING ENTRY: MONIES DUE TO THE FOLLOWING AGENCIES REDUCED BY THE FOLLOWING AMOUNTS: CJ-2020-4308: AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE -\$0.25 CJ-2020-4308: AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY -\$0.25 CJ-2020-4308: AC81 LENGTHY TRIAL FUND -\$0.25 CJ-2020-4308: AC79 OCIS REVOLVING FUND -\$0.63 CJ-2020-4308: AC67 DISTRICT COURT REVOLVING FUND -\$0.07 CJ-2020-4308: AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS -\$0.02 CJ-2020-4308: AC64 DISPUTE MEDIATION FEES CIVIL ONLY -\$0.18 CJ-2020-4308: AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND -\$0.04 CJ-2020-4308: AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES -\$0.13 CJ-2020-4308: AC31 COURT CLERK REVOLVING FUND -\$0.05 CJ-2020-4308: AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL -\$0.15 CJ-2020-4308: AC01 CLERK FEES -\$4.29			

Date	Code	Description	Count	Party	Amount
09-11-2020	ACCOUNT	RECEIPT # 2020-4870366 ON 09/11/2020. PAYOR: ROPER/LEAH TOTAL AMOUNT PAID: \$ 252.14. LINE ITEMS: CJ-2020-4308: \$168.71 ON AC01 CLERK FEES. CJ-2020-4308: \$6.31 ON AC09 CARD ALLOCATIONS. CJ-2020-4308: \$5.85 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2020-4308: \$1.61 ON AC31 COURT CLERK REVOLVING FUND. CJ-2020-4308: \$4.87 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2020-4308: \$1.51 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2020-4308: \$6.82 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2020-4308: \$0.43 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2020-4308: \$2.41 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2020-4308: \$24.37 ON AC79 OCIS REVOLVING FUND. CJ-2020-4308: \$9.75 ON AC81 LENGTHY TRIAL FUND. CJ-2020-4308: \$9.75 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY. CJ-2020-4308: \$9.75 ON AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE.			



JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

SEAN ARVELO

(b) County of Residence of First Listed Plaintiff Oklahoma  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
D. Colby Addison, Leah M. Roper, Center for Employment Law  
1133 N. Portland Ave, Oklahoma City, OK 73107  
Phone: 405-252-1180

**DEFENDANTS**

ELLIOT ELECTRIC SUPPLY, INC.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Allen Hutson, Melissa R. McDuffey, Crowe & Dunlevy, PC  
324 N. Robinson Ave., Ste 100, Oklahoma City, OK 73102

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify) \_\_\_\_\_
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
ADA, 42 U.S.C. Section 12101 et seq

Brief description of cause:  
Alleged termination due to disability in violation of ADA

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/05/2020

s/Allen Hutson

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

Print

Save As...

Reset

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

## Falen Tames

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**From:** okwd\_ecf\_notice@okwd.uscourts.gov  
**Sent:** Monday, October 05, 2020 5:09 PM  
**To:** okwdecf@okwd.uscourts.gov  
**Subject:** Activity in Case 5:20-cv-01008-PRW Arvelo v. Elliott Electric Supply Inc Notice of Removal

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

### U.S. District Court

### Western District of Oklahoma[LIVE]

### Notice of Electronic Filing

The following transaction was entered on 10/5/2020 at 5:09 PM CDT and filed on 10/5/2020

**Case Name:** Arvelo v. Elliott Electric Supply Inc

**Case Number:** 5:20-cv-01008-PRW

**Filer:** Elliott Electric Supply Inc

**Document Number:** 1

#### Docket Text:

**NOTICE OF REMOVAL** from The District Court of Oklahoma County, case number CJ-2020-4308 filed by Elliott Electric Supply Inc. (Attachments: # (1) Exhibit 1 - Petition, # (2) Exhibit 2 - Roper EOA, # (3) Exhibit 3 - Addison EOA, # (4) Exhibit 4 - Docket Sheet, # (5) Civil Cover Sheet)(dtb)

#### 5:20-cv-01008-PRW Notice has been electronically mailed to:

Allen L Hutson [allen.hutson@crowedunlevy.com](mailto:allen.hutson@crowedunlevy.com), [andrea.puckett@crowedunlevy.com](mailto:andrea.puckett@crowedunlevy.com),  
[cathy.weimer@crowedunlevy.com](mailto:cathy.weimer@crowedunlevy.com), [ecf@crowedunlevy.com](mailto:ecf@crowedunlevy.com), [falen.tames@crowedunlevy.com](mailto:falen.tames@crowedunlevy.com),  
[susanna.wilson@crowedunlevy.com](mailto:susanna.wilson@crowedunlevy.com), [taren.black@crowedunlevy.com](mailto:taren.black@crowedunlevy.com)

Leah M Roper [leah@centerforemploymentlaw.com](mailto:leah@centerforemploymentlaw.com), [deanne@centerforemploymentlaw.com](mailto:deanne@centerforemploymentlaw.com),  
[docketing@centerforemploymentlaw.com](mailto:docketing@centerforemploymentlaw.com)

Melissa R McDuffey [melissa.mcduffey@crowedunlevy.com](mailto:melissa.mcduffey@crowedunlevy.com), [andrea.puckett@crowedunlevy.com](mailto:andrea.puckett@crowedunlevy.com),  
[cathy.weimer@crowedunlevy.com](mailto:cathy.weimer@crowedunlevy.com), [ecf@crowedunlevy.com](mailto:ecf@crowedunlevy.com), [falen.tames@crowedunlevy.com](mailto:falen.tames@crowedunlevy.com),  
[susanna.wilson@crowedunlevy.com](mailto:susanna.wilson@crowedunlevy.com), [taren.black@crowedunlevy.com](mailto:taren.black@crowedunlevy.com)

D Colby Addison [colby@centerforemploymentlaw.com](mailto:colby@centerforemploymentlaw.com), [docketing@centerforemploymentlaw.com](mailto:docketing@centerforemploymentlaw.com)

**5:20-cv-01008-PRW Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1041971380 [Date=10/5/2020] [FileNumber=4358966-0]  
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**Document description:**Exhibit 1 - Petition

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1041971380 [Date=10/5/2020] [FileNumber=4358966-1]  
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**Document description:**Exhibit 2 - Roper EOA

**Original filename:**n/a

**Electronic document Stamp:**

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**Document description:**Exhibit 3 - Addison EOA

**Original filename:**n/a

**Electronic document Stamp:**

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**Document description:**Exhibit 4 - Docket Sheet

**Original filename:**n/a

**Electronic document Stamp:**

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**Document description:**Civil Cover Sheet

**Original filename:**n/a

**Electronic document Stamp:**

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